



TOWN OF BERWYN HEIGHTS

Prince George's County, Maryland

Incorporated in 1896 ~ Sixth Oldest Municipality in PG County

WORKSESSION MINUTES JUNE 3, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Calvo, Mayor Pro Tem (MPT) Wilkinson, Councilmembers (CM) Almoguera, Dennison and Eddy. Also present were Town Administrator (TA) Murphy, Clerk Harper and Budget Assistant Kyle Snyder.

1. MAYOR

Agenda: An executive session regarding a personnel matter was added.

Announcements: The Greenbelt Middle School Festival Band, Concert Band and Chorus participated in a music festival at Hershey Park and won 2 superior ratings and 1 excellent rating.

Calendar: The Council reviewed the calendar. Councilmembers were requested to submit agenda items for discussion during the summer.

Minutes: On a motion by MPT Wilkinson and second by CM Kulpa-Eddy, the May 20 worksession minutes were approved 5 to 0. The May 8 Town meeting minutes distributed.

Department reports: Mayor Calvo reported that he visited Berwyn Heights Elementary School (BHES) for the If I Were Mayor contest last week. He will announce winners at the June Town meeting. He also had a chance to talk with Principal Singer about new grade level benchmark tests the school plans to implement during next school year. The assessments for common core are based on standards developed by the National Governors Association and the Gates Foundation and provide a better measure of student performance. Dr. Singer would like to get a trailer that would house a classroom dedicated to test taking. The trailer would be placed on a concrete pad next to the cafeteria if the Town has no objections. Mayor Calvo said he supports that location because it would be easily accessible and out of the way. MPT Wilkinson said that it may block deliveries to the cafeteria. A better place might be the grassy area behind the community center, where the trailer would not be visible from the road.

Mayor Calvo said that he continues to explore the possibility of setting up a computer lab in the community center to serve students after school that do not have a computer at home. BHES would provide wi-fi internet access, the community center staff could supervise the activities, and the Town would help finance the equipment. Further, he and Dr. Singer plan to have a meeting with PGCPs staff responsible for maintaining the fields. They hope to get a commitment from the school board to mow the grass around the tennis and basketball courts at regular intervals. Lastly, Mayor Calvo noted that the drive to petition the recently enacted PGCPs referendum failed. Since then County Executive Baker has made new appointments to the school board. Segun Eubanks will be the new chair. Mr. Eubanks is a parent of children in public schools and is the director of teacher quality for the National Education Association.

CM Kulpa-Eddy announced that Delegate Alonzo Washington is sponsoring a health care town meeting at Eleanor Roosevelt High School on June 12. MPT Wilkinson said that the State Highway Administration (SHA) has postponed the Safe Routes to School grants announcements to the end of June. He asked if there have been complaints from residents about the oily tracks left by the street sweeper along Osage Street and Natasha Drive. He would like to know if it is necessary to perform manual cleanup. Mayor Calvo did not think it necessary to have Public Works clean up.

MPT Wilkinson asked if the Council had arrived at a decision about setting aside a handicapped parking space at the south entrance of Pop's Park on Quebec Street and about a 'no parking' area opposite of the north entrance of Pop's Park. The Council did not think a decision was made about the handicapped parking space. CM Almoguera added the item to the Public Works agenda. However, a decision was made to paint the curb yellow along Cunningham Drive, southbound, between the stop sign and the first driveway. Public Works can proceed to paint that stretch of curb.

Mayor Calvo asked if Public Works can purchase lids for the tall recycling bins separately because the lids often get lost or broken. Public Works may also try to find a way to attach the lids to the bins to prevent them getting blown away. MPT Wilkinson did not think it was possible to purchase the lids separately. However, he will have the Public Works director look into it, as well as attaching the lids.

CM Almoguera reported that the demolition of the old Pop's Park playground has begun. It is hoped that the installation of the new equipment will take place early in the summer. TA Murphy added that the FY 2013 audit will begin tomorrow. He has set up a special meeting to resolve questions about the audit process and handling of the balance. The Town received a \$75,000 check for the 3rd quarter income tax disbursements.

Citizen comments: Mayor Calvo received a thank you message for helping a boy scout obtain a citizenship badge, and several comments about property value increases in surrounding jurisdictions. He also received a comment from a resident whose brother was denied a visitor's visa to attend her daughter's prom ceremony. Mayor Calvo and his wife visited with Mary Reese over the weekend, who is in hospice care for cancer. CM Dennison received a complaint from a resident with young children about the absence of sidewalks around Pop's Park. CM Almoguera received several comments on the new Pop's Park playground being too small for toddlers. She noted that at this point there is not enough money to add components for older children but that she may write another grant for that in the future.

Ordinance No. 118 – Roads & Rights of Way: TA Murphy explained that he and CM Kulpa-Eddy each provided a revised draft of the Ordinance in which sections were rearranged to achieve an order that makes more sense. CM Kulpa-Eddy rearranged the Ordinance chronologically to mirror the permitting process: beginning with application for a permit, then proceeding to payment of permit fee, inspection of work, and acceptance of work or enforcement of violations. She also commented on sections that had similar content. TA Murphy focused on making the Ordinance flow better while taking into consideration the Council's previous comments. He did not yet attempt to rewrite sections or consolidate information.

Mayor Calvo commented that he likes CM Kulpa-Eddy's chronological approach. He also agrees with putting all standards in one section, but not necessarily in the violations section. Standards are not the same thing as violations; they are a breach of a standard. Therefore, the violations section should begin with a general statement that any breaching of a standard with or without a permit, is a violation of the Ordinance and can be fined. Mayor Calvo further proposed to establish different categories for violations committed with a permit, and for violations without a permit. He commented that TA Murphy's approach is similar to CM Kulpa-Eddy's but that some sections seem out of place. For example, the section on liens should be placed after the fines section because it is a way to fine violators who do not pay promptly. As with other ordinances, fees and fines should be set by resolution. It might be useful to have different permit fees for large, commercial projects and for smaller, residential projects. One question that needs to be resolved is whether to charge public utilities a permit fee and how much. Greenbelt charges utilities \$1,000 permit fee, with the exception of WSSC, a quasi-public entity, which has a court-ordered exemption.

CM Almoguera noted that construction & repair standards are defined twice, once in Section 3 and again in Section 4.1 as part of definitions. MPT Wilkinson said that Section 17.1 is incomplete. It should read: "...in case of emergency work, a public utility will be required to notify the Town not more than 12 hours after commencement of work."

At 8:15 p.m., the Council took a 5 minute break.

Regarding next steps, CM Kulpa-Eddy proposed to proceed by first resolving the sequence of sections of the Ordinance, then eliminating duplication and conflict, and then setting fees and fines. As part of the later cleanup process, the definitions should be reviewed for relevance, and strike terms not used in the Ordinance.

Mayor Calvo said in the next draft, new language should be underlined and deleted parts should be struck-through. Regarding the sequence of sections, he suggested

to combine all Town standards for working in the right-of-way in one section, possibly following the section on Prince George's County standards, which the Town to adopt. CM Kulpa-Eddy said that some Town standards apply to activities that do not require a permit, such as cleaning the road after driving on it with a dirty tire. This raises the issue of whether the subtitle and introduction of the Ordinance needs to be changed, because it states that the purpose of the Ordinance is to establish a permit framework for activities taking place in the Town right-of-way. Mayor Calvo agreed and added that the broader purpose of the Ordinance is to maintain roads and rights-of-way in a manner consistent with Town standards. Maintenance may or may not require permits.

Greenbelt Station construction trailer: TA Murphy explained that the developers of Greenbelt Station have requested permission to place a construction trailer on Town right-of-way along the former All Star property on Branchville Road. It would serve as an office for the engineers and site supervisors when construction commences sometime this summer. Construction trucks would not enter the development from Branchville Road but on the Greenbelt Station Parkway. However, it is a dirt road that goes into the development from Branchville Road that might be used as a shortcut to the development by those working in the trailer.

Mayor Calvo said that he sees no problem with giving permission to park the trailer there while construction is underway but would ask them to get a permit. CM Kulpa-Eddy proposed to treat it like a POD permit and charge a comparable fee. She moved and MPT Wilkinson seconded to require a POD permit for one year extensions as needed. Mayor Calvo noted that a permit would come with a regulatory framework under which violations, such as parking in the roadway, could be enforced. The motion passed 5 to 0.

Nothing was discussed under **2. Parks and Recreation**

3. PUBLIC SAFETY

Police car authorization to purchase: TA Murphy explained that in April the Council authorized a letter of intent to purchase a police vehicle, to reserve a letter of intent for later purchase. Now the Council is requested to authorize the purchase of the vehicle at a cost of \$23,500. The outfitting would cost another \$10,000. The costs would not exceed the \$33,800 that is budgeted for the car in FY 2014. MPT Wilkinson moved, and CM Dennison seconded, to authorize the purchase of the vehicle. The motion passed 5 to 0.

Police Mutual Aid Agreement: TA Murphy said that the police departments of the Town of Berwyn Heights, the Town of Edmonston and the City of Greenbelt did not have an agreement providing for mutual assistance when additional police resources are needed. The Council discussed but postponed approval of the agreement until TA Murphy could clarify the following 1) whether a signatory jurisdiction has the option to decline a request for assistance if no resources are available; 2) whether the agreement authorizes a participating municipality to enforce traffic offenses in another municipality; and 3) whether the agreement includes or should include a requirement for the Chief to notify the Council when assistance has been requested.

TA Murphy explained that *Article IV, Section 3.b.* provides for the police department receiving an aid request to consider request in the context of the resources necessary and available. It can be inferred that a municipality can decline an aid request if the resources are not available. Second, Chief Antolik elaborated that serious traffic offenses could be enforced in another jurisdiction. *Article II, Section 2.a.* describes a serious traffic offense as one in which there is a wanton disregard for the safety of persons or property and persons may be in imminent danger of death or serious injury. Third, the notification of the Town Council when assistance has been provided or requested is a Town policy matter and should be included only in the adopting resolution, not the agreement itself. The Chief can readily inform the Council as part of his weekly and monthly police reports.

CM Kulpa-Eddy said that she prefers the language used in the slide show presentation that was included in the background documents with regard to the sections agreement in question. She asked where the agreement originated, and suggested that MML might be asked to draft a better general police mutual aid agreement they have done for municipal public works departments in Maryland. Mayor Calvo thought that it probably originated with the Chiefs Association and is intended to serve as the framework for other municipalities that want to enter into mutual aid agreements. Personally, he does not want to make any changes to the agreement because it would require approval from all parties involved. He also does not want to extend the agreement to other municipalities at this point, as he does not want to stretch the Town's police resources too thin.

MPT Wilkinson asked if University of Maryland (UMD) police might be a good candidate for this agreement since a lot of UMD students live in Town. Mayor Calvo thought that UMD police is set up differently and may require State approval to join in. With no further comments, TA Murphy was asked to draft a resolution to the agreement at the June Town meeting.

Emergency generators plan: TA Murphy said that the Town needs to find an electrical engineer who can write bid plans and specifications for emergency generators that are to serve the Senior Center and the municipal building. The plans must accompany a grant application the Town needs to submit to the State Board of Public Works to obtain the \$80,000 the legislature approved for the project in next year's budget. The Town has to front the money for the bid plans, which will come from the funds the Town set aside to match the State grant. Mayor Calvo said that the Town still needs to decide what type of backup generators to get. The Town already received different quotes for natural gas and diesel fuel generators. But he would also like to look at solar energy.

CM Kulpa-Eddy said it is her understanding that natural gas would work best in this area. Solar generators would not be able to produce energy during a storm-related outage because the sun would be blocked by clouds, and solar backup batteries would provide only a limited supply of electricity. Solar energy might be considered an adjunct system. Mayor Calvo said that he does not necessarily want to get solar generators but would like to look at them as one of the options, along with natural gas and diesel fuel. CM Kulpa-Eddy said that this would likely delay the project but she agreed that the Council could look at the options. One of the factors in comparing the different systems should be length of time for which they can supply energy during a power outage.

TA Murphy was instructed to use up to \$15,000 in matching funds set aside for the generators to get bid specifications for the different options. Mayor Calvo provided him with names of solar energy experts. CM Kulpa-Eddy said that the Towns of Upper Marlboro and Rising Sun recently installed backup generators and are able to furnish references.

School zones: Mayor Calvo said that MPT Wilkinson had asked the Council to add the 8600 block of 63rd Avenue, which borders the school soccer fields, as a school zone, and to extend the school zone hours during which the speed limit is lowered from 25 mph to 15 mph beyond the 8 a.m. to 5 p.m. time frame. State law requires school zones to be in operation between 6 a.m. and 8 p.m. when school is in session.

MPT Wilkinson said he would like the time for which the school zone is in effect to start earlier because Greenbelt Middle and Parkdale high school students are on their way to school before 8 a.m. Many students can be found waiting at the bus stops on Pontiac Street starting around 7 a.m. including UMD students. Further, he would like school zone hours to apply when school is out because kids continue to use the community center as well as school facilities during vacations. Mayor Calvo thought that this would be a violation of State law, which allows school zones and speed limits to be in effect only when school is actually in session. He wants to be careful about overstepping the rules because the State legislature is actively looking into gutting the speed camera enforcement law. However, he supports extension of school zone hours to start at 7 a.m. and to end at 6 p.m. on days when school is in session. He also supports designating part of 63rd Avenue as a school zone.

MPT Wilkinson moved to change the hours the school zone is in effect to start at 7 a.m. and end at 6 p.m., and to designate the 8600 block of 63rd Avenue as a school zone. CM Almoguera seconded. TA Murphy said he believes these actions require a resolution. Mayor Calvo thought that only the establishment of a school zone requires a resolution. He asked TA Murphy to check. The Council voted 5 to 0 to expand the school hours for school zones already in effect. TA Murphy was asked to contact SHA about changing the hours of the Greenbelt Road school zone to 7 a.m. as well.

4. PUBLIC WORKS

Pop's Park parking (added item): MPT Wilkinson said that the Council discussed creating a handicapped parking space on Quebec Street west of the no parking zone in front of the gate. This would help the neighbor opposite the park back out of her driveway. CM Dennison so moved. CM Almoguera seconded. The motion passed 5 to 0.

5. ADMINISTRATION

Budget amendments: TA Murphy gave an overview of the FY 2013 budget amendments to be adopted at the June Town meeting. A total of \$142,000 will be added to revenues. This includes a State grant to pay for the Pop's Park renovation and PEG cable TV reserve to pay for the BHTV upgrade. In expenditures, amendment will be made to the Town Center maintenance & repair budget to pay for rewiring of the automatic doors and lights in the Senior Center and for the meeting room renovations. Line item accounts in the Administration, Code, and Police Department budgets will be adjusted for IT and furniture purchases.

Mayor Calvo recalled that TA Murphy was to draft a Town-wide IT plan that includes an inventory of all computers and a schedule for their replacement. This will be as record for the next Town Administrator to work from. He asked if there is sufficient money in the Mayor & Council budget to pay for the hours of budget assistance. TA Murphy said there is and that he will continue to work with Mr. Snyder over the summer to finalize a budget manual and an audit manual.

Bulletin cover: The following items were approved for the July Bulletin cover: 4th of July theme, headlines for National Night Out and Purple Line Presentation.

Nothing was discussed under **6. Code Compliance.**

7. EXECUTIVE SESSION (ADDED ITEM; 10:03 P.M. - 10:17)

On a motion by MPT Wilkinson and second by CM Dennison, the Council went into an executive session to discuss a personnel matter. With the matter discussed Wilkinson moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 10.18 p.m.

Signed: Kerstin Harper, Town Clerk

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